Remarks

In the aforesaid Office Action, claims 1-13 were indicated as pending in the case. Claims 6-11 and 13 have been withdrawn. No claim has been canceled and one new claim, 14, has been added, leaving claims 1-5, 12 and 14 for consideration.

Claims 1-5 and 12 stand rejected under 35 U.S.C. 112 for inclusion of the term "self-cinching". Such term has been deleted from claims 1 and 12 and replaced with the term "reconfigurable" or "reconfigured" to correlate more closely with the language used in the specification on page 22, wherein the embodiment of Fig. 11 is described.

Claims 1-4 stand rejected under 35 U.S.C. 103 (a) as unpatentable over USP 5,911,732 - Hojeibane in view of USP 5,681,345 - Euteneuer.

Hojeibane is said to disclose a stent which shortens upon expansion, and reference is made to col. 4, lines 48, 49 and col. 6, lines 38-42. In col. 4, it is said that "rounded connectors and shortened cells in the stent allow for greater flexibility". In col. 6, it is said that "curved connectors 77a...shorten the length of the rectangles...and thus enhance the flexibility of the stent". It appears that this language describes the structure of the stent, having short connectors 77a, rather than a shortening activity.

Throughout the specification of Hojeibane, much is said about the expansion of the prosthesis, which is required for the prosthesis to do its job, but no reference appears to be made to the dynamic, or operative, shortening of the length of the device. The presence of the "curved connections 77a" appears to

shorten the length of the "rectangles" by virtue of the curved connective structure, but are not said to operatively shorten the length of the prosthesis in use of the prosthesis. It does not appear that the length of the Hojeibane device shortens upon diameter expansion of the prosthesis.

Euteneuer has been cited against claims 1-4 as showing a collar with fixed length and diameter sections at the proximal and distal ends of an elongate body and having barbs (34).

It appears that the barbs (34) are on struts (12) which, in turn, are loosely mounted on a stent (14). The barbs (34) are located on the struts (12) at both ends of the struts and are used to secure ends (17) of a sleeve (16) to maintain tension on the sleeve. The struts (12) are arranged around (inside or outside) the wall of the stent. The sleeve (16) and struts (12) are carried to a target area by the stent (14). The stent 14 is moveable independently of the sleeve, there being a loose interlocking mechanism (22) between the struts (12) and the stent (14). The sleeve and struts appear to be capable of longitudinal movement. The sleeve and the stent and the struts are expandable radially, but the sleeve appears to remain constant in terms of length.

Claim 1 has been amended to limit the barbs to being adapted to engage coronary sinus tissue. The barbs in Euteneuer appear to serve merely as a means for connecting the sleeve to the struts and do not actually extend from the stent component of the assembly.

Accordingly, it appears that amended claim 1 distinguishes from the teachings of Hojeibane and Euteneuer and should be deemed allowable thereover.

Claims 2-4 depend from claim 1 and should be deemed allowable, at least through dependency.

Claim 5 stands rejected under 35 U.S.C. 103(a) as unpatentable over Hojeibane in view of Euteneuer and further in view of USP 6,210,432 - Solem. Claim 5 depends from claim 4 which, in turn, depends from claim 1. It appears, therefore, that claim 5 would be deemed allowable through dependency.

In addition, claim 4 limits the apparatus of claim 1 to having two intermediate spring elements connecting the distal end section to the proximal end section, and further, a hollow and elongated cylindrically shaped tube section disposed between the two spring elements. Claim 5 adds to the matter of claim 4 and limits the tube section to having a barb thereon. The barbs (10) of Solem all depend from an elongate body (8) comprising at least one metal string (9). In Fig. 12, there is shown an alternative embodiment having a central stent (24), but that stent is not provided with barbs.

Accordingly, it does not appear that Solem, in combination with the other two references, teaches the apparatus defined by the combination of claims 1, 4 and 5, and that claim 5 should be viewed as allowable thereover.

Claim 12 is a method claim which stands rejected under 35 U.S.C. 103(a) as unpatentable over Solem in view of Hojeibane.

Claim 12 has been amended in much the same manner as claim 1 and is believed to distinguish over the cited references.

In view of the amendments and above comments, it appears that claims 1-5 and 12 are now in condition for allowance, which is most respectfully requested.

New claim 14 is presented herein for Examiner's consideration.

In the event that any additional fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

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